

VZCZCXYZ0000
OO RUEHWEB

DE RUEHHI #1013 2480321
ZNY CCCCC ZZH
O 040321Z SEP 08
FM AMEMBASSY HANOI
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8394
INFO RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 0226

C O N F I D E N T I A L HANOI 001013

SIPDIS

EUR/SCE SHIRATORI, TOMLYANOVICH

E.O. 12958: DECL: 09/04/2018
TAGS: [PREL](#) [UN](#) [UNGA](#) [KV](#) [VM](#)
SUBJECT: VIETNAM LIKELY NOT TO &OBSTRUCT8 REQUEST FOR ICJ
ADVISORY OPINION ON KOSOVO INDEPENDENCE

REF: STATE 91908

Classified By: POLCOUNS BRIAN AGGELER. REASONS 1.4 (B/D)

¶1. (C) On September 3, Deputy PolCouns met with MFA IO Section Chief Do Hung Viet to convey U.S. concerns about the prospect of a Serbian-sponsored UNGA resolution requesting an advisory opinion from the International Court of Justice on the lawfulness of Kosovo's declaration of independence. Per reftel, DPolCouns emphasized that the issue of Kosovo's independence is fundamentally a political -- not a legal -- question, and while the United States remains confident that there is no valid legal challenge to Kosovo's declaration, bringing the matter to the ICJ would only serve to complicate an already volatile situation.

¶2. (C) Viet responded that as a matter of general principle, it was within the purview of the UNGA to request an ICJ advisory opinion on any matter, and that it would then be up to the Court to determine whether the issue lies within its jurisdiction. And while Vietnam has not yet developed a position on Serbia's resolution, Hanoi would likely not want to be seen as an "obstacle" in the process, Viet said. DPolCouns stressed that, general principles aside, the decision whether to back Serbia's resolution is a political question and urged Vietnam to consider carefully the wider ramifications of such a move, noting that the ICJ seldom deals with basic matters of sovereignty, and that there was ample precedent for the UNGA to refuse to support a request for an ICJ advisory opinion. DPolCouns declined to speculate on possible voting, but emphasized, per reftel, that even those countries that have not recognized Kosovo's independence might be concerned about the broader effects of an ICJ opinion.
MICHALAK